

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

NATHAN DARRELL NEIGHBORS §
VS. § CIVIL ACTION NO. 1:13-CV-390
JUDGE WOODLOCK §

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Plaintiff, Nathan Darrell Neighbors, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendant Judge Woodlock.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends this action be dismissed pursuant to 28 U.S.C. § 1915(g).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. Plaintiff filed objections to the Magistrate Judge’s Report and Recommendation.¹ This requires a *de novo* review of the objections in relation to the pleadings and applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the Court finds the objections lacking in merit. Plaintiff has failed to meet the imminent danger exception to 28 U.S.C. §1915(g). Plaintiff makes vague and general allegations that he is “confined with murderers and the part of society that does not know how to deal with upright upstanding citizens.” The courts have stated, however, that in order to meet the imminent danger exception, the threat must be “real and proximate” and involve a genuine emergency where time is pressing. *See Ciarpaglini v. Saini*, 352 F.3d 328, 300 (7th Cir. 2003); *see also Hemerman v. Litscher*, 337 F.3d 781, 782 (7th Cir. 2003). Plaintiff has failed to

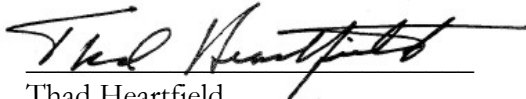
¹Plaintiff filed a document entitled “Motion to File In Forma Pauperis.” (docket entry no. 5). After reviewing the motion, the Court construes the pleading as objections to the Report and Recommendation.

meet his burden.

ORDER

Accordingly, the objections of plaintiff are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this the **11** day of **October, 2013**.


Thad Heartfield
United States District Judge